

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

HARVEY L. PITTS,)
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)
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Plaintiff,)
)
)
v.)
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)
MICHAEL J. ASTRUE,)
)
)
Commissioner of the Social)
Security Administration,)
)
)
Defendant.)
)
Case No. CIV-06-252-SPS

**OPINION AND ORDER AWARDING
ATTORNEYS' FEES TO THE PLAINTIFF UNDER THE EAJA**

The Plaintiff was the prevailing party in this appeal of the Commissioner of the Social Security Administration's decision denying him benefits under the Social Security Act. In Plaintiff's Application for an Award of Attorneys' Fees Under the Equal Access to Justice Act and Motion for Award of Court Costs [Docket No. 20], he sought an award of attorneys' fees in the amount of \$4,133.40 and costs in the amount of \$350.00 under the Equal Access to Justice Act (the "EAJA"), 28 U.S.C. § 2412, and requested that the EAJA fees and costs be paid directly to his attorneys. The Commissioner indicated he had no objection to an award of attorneys' fees in the amount of \$4,133.40 and costs in the amount of \$350.00 to the Plaintiff as the prevailing party under the EAJA, but he did object to the attorneys' fees and costs being paid directly to the Plaintiff's attorneys. *See* Docket No. 22.

For the reasons previously set forth by this Court in *Dobbs v. Astrue*, No. CIV-06-037-SPS (E.D. Okla. June 22, 2007) and *Winslow v. Astrue*, No. CIV-05-443-SPS (E.D. Okla. July 6, 2007), *appeal docketed*, No. 07-7060 (10th Cir. July 23, 2007), the Court

hereby awards costs and attorneys' fees under the EAJA to the Plaintiff as the prevailing party, *see* 28 U.S.C. § 2412(d)(1)(A) ("Except as otherwise specifically provided by statute, a court shall award *to a prevailing party* other than the United States fees and other expenses, in addition to any costs awarded pursuant to subsection (a), incurred *by that party* in any civil action (other than cases sounding in tort)[.]") [emphasis added], and declines to order such award paid directly to the Plaintiff's attorneys.

Accordingly, the Plaintiff's Application for an Award of Attorneys' Fees Under the Equal Access to Justice Act and Motion for Award of Court Costs [Docket No. 20] is hereby GRANTED insofar as it seeks an award of attorneys' fees and costs to the Plaintiff as the prevailing party under the EAJA, and the Plaintiff is hereby awarded attorneys' fees in the amount of \$4,133.40 and costs in the amount of \$350.00. The Plaintiff's Application for an Award of Attorneys' Fees Under the Equal Access to Justice Act and Motion for Award of Court Costs [Docket No. 20] is hereby DENIED insofar as it seeks an order of the Court directing payment of said attorneys' fees and costs directly to the Plaintiff's attorneys.

IT IS SO ORDERED this 31st day of October, 2007.



STEVEN P. SHREDER
UNITED STATES MAGISTRATE JUDGE